

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR -6 AM 9:41

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0700

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

Jose Juan FERNANDEZ,)

Defendant,)

Mag. Case Number:)

COMPLAINT FOR VIOLATION OF

Title 21, U.S.C., Sections 952 and 960
Importation of a Controlled Substance

DEPUTY

The undersigned complaint being duly sworn states:

On or about March 5, 2008, within the Southern District of California, Jose Juan FERNANDEZ did knowingly and intentionally import approximately 52.40 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF March, 2008.


MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

I, Special Agent Jeffrey Roberts, declare under penalty of perjury, the following is true and correct:

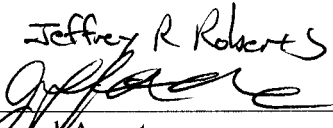
On March 5, 2008 at approximately 6:30 a.m., Jose Juan FERNANDEZ attempted to enter the United States via the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) Lane at the San Ysidro, California, Port of Entry from the Republic of Mexico. FERNANDEZ was the driver of a 1986 Toyota pickup truck bearing United States/California license plates 4EWU768. FERNANDEZ approached the Customs and Border Protection (CBP) Officer at the primary inspection booth and presented his I-551 Legal Permanent Resident of the United States Card. FERNANDEZ is not enrolled in the SENTRI program and is not authorized to use the SENTRI lane for purposes of entering the United States. The CBP Officer explained to FERNANDEZ that the SENTRI lane is only authorized for use by participants who are enrolled in the SENTRI program. The CBP officer then referred FERNANDEZ and the vehicle he was driving to the vehicle secondary inspection area of the San Ysidro, California Port of Entry.

In the secondary vehicle inspection area, a Canine Enforcement Officer (CEO) utilized his Narcotic Detection Dog (NDD) to screen the 1986 Toyota pickup truck driven by FERNANDEZ. The NDD responded and alerted to a narcotic odor coming from the front of the bed of the vehicle.

In the secondary inspection area, CBP Officers inspected the vehicle and discovered numerous wrapped packages in the camper shell and both rear tires. A random sample of one of the packages revealed a green leafy substance that tested positive for marijuana. A total of 25 packages were removed from the compartment, which had a weight of 52.40 kilograms.

U.S. Immigration and Customs Enforcement (ICE) Special Agents contacted FERNANDEZ and advised him that marijuana had been found in the vehicle and that he was under arrest. FERNANDEZ was arrested and charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance, and was booked into the Metropolitan Correctional Center, San Diego, CA.

Executed on March 5, 2008

Jeffrey R. Roberts

Special Agent,
U.S. ICE